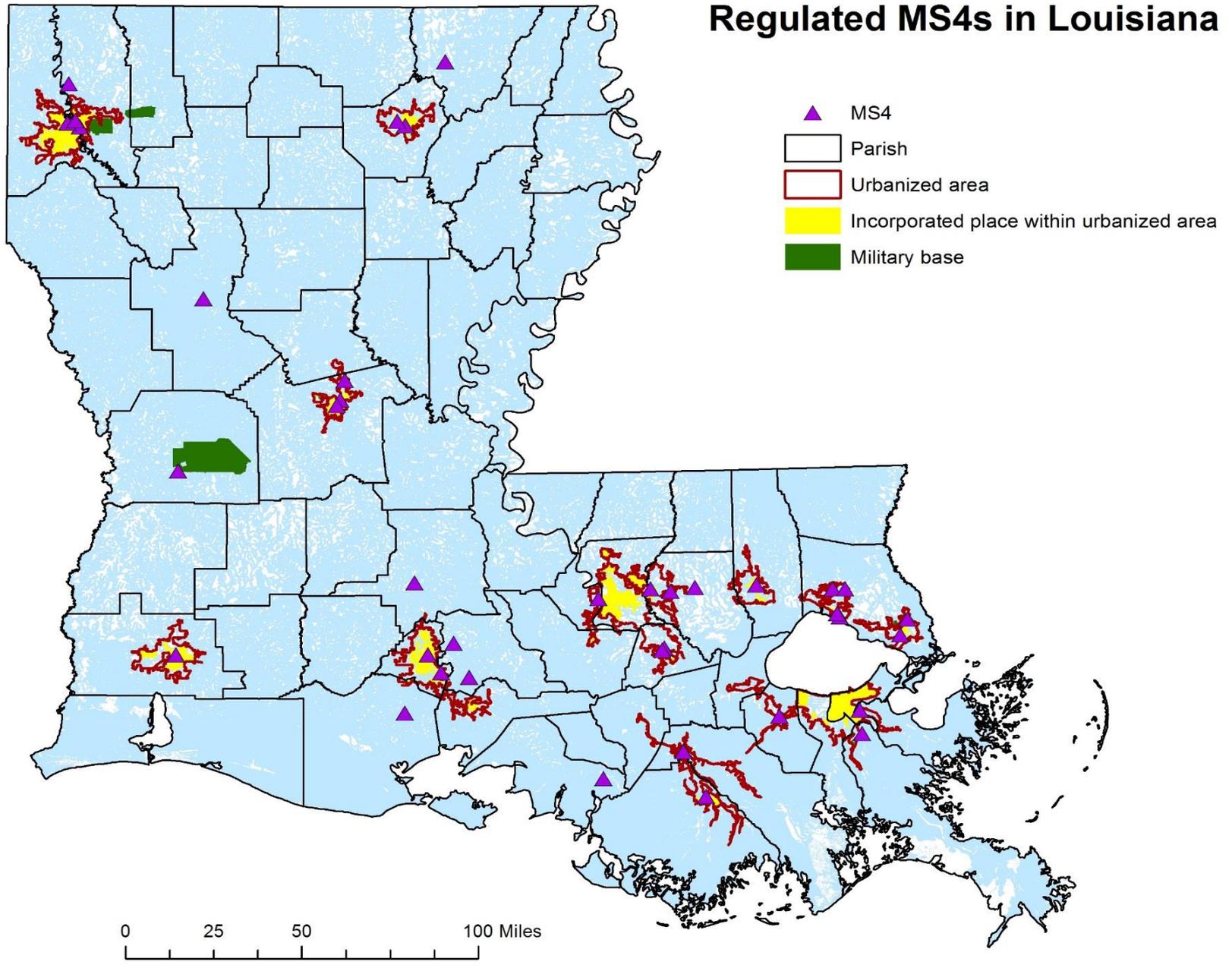


LDEQ Storm Water/ Municipal Separate Storm Sewer Systems (MS4) Program Update

October 23, 2019



Regulated MS4s in Louisiana



Storm Water Priorities

- Storm water permit compliance is a national priority for EPA.
- LDEQ is delegated by the EPA to implement the National Pollutant Discharge Elimination System (NPDES) permit program in Louisiana (LPDES).
- EPA establishes commitments LDEQ must achieve through the Priority Partnership Grant (PPG).
- MS4 compliance reviews were added to LDEQ's grant commitments in FY2019.
- Although LDEQ issues permits, EPA R6 still conducts audits of both Phase I and Phase II permitted MS4s in Louisiana.

Phase II MS4 Remand Rule

- Basis of Rule: Environmental Defense Center, et al. v. EPA - US 9th Circuit Court of Appeals partially remanded Phase II Storm Water regulations in 2003. The court found EPA failed to:
 - Require permitting authority review of the Best Management Practices (BMPs) to be used at a particular MS4 to ensure the permittee reduces pollutants in storm water discharges to the Maximum Extent Practicable (MEP)
 - Failed to provide adequate public notice and opportunity to request a hearing
- The court held that under the Phase II rule, because the NOI submitted by the MS4 contains the information describing what the MS4 will do to reduce pollutants to the “maximum extent practicable” (MEP), the NOI is the “functional equivalent” of an individual permit application.

Required Updates to 40 CFR

§ 122.28 General permits (applicable to State NPDES programs, see § 123.25)

(d) Small municipal separate storm sewer systems (MS4s). (Applicable to State programs). For general permits issued under paragraph (b) of this section for small MS4s, the Director must establish the terms and conditions necessary to meet the requirements of § 122.34 using one of the two permitting approaches in paragraph (d)(1) or (d)(2) of this section. The Director must indicate in the permit or fact sheet which approach is being used.

(1) Comprehensive general permit: The Director includes all required permit terms and conditions in the general permit; or

(2) Two-step general permit: The Director includes required permit terms and conditions in the general permit applicable to all eligible small MS4s and, during the process of authorizing small MS4s to discharge, establishes additional terms and conditions not included in the general permit to satisfy one or more of the permit requirements in § 122.34 for individual small MS4 operators.

(i) The general permit must require that any small MS4 operator seeking authorization to discharge under the general permit submit a Notice of Intent (NOI) consistent with § 122.33(b)(1)(ii).

(ii) The Director must review the NOI submitted by the small MS4 operator to determine whether the information in the NOI is complete and to establish the additional terms and conditions necessary to meet the requirements of § 122.34. The Director may require the small MS4 operator to submit additional information. If the Director makes a preliminary decision to authorize the small MS4 to discharge under the general permit, the Director must give the public notice of and opportunity to comment and request a public hearing on its proposed authorization and the NOI, the proposed additional terms and conditions, and the basis for these additional requirements. The public notice, the process for submitting public comments and hearing requests, and the hearing process if a request for a hearing is granted, must follow the procedures

§122.34 As an operator of a regulated small MS4, what will my NPDES MS4 storm water permit require? Permit requirements for regulated small MS4s.

(a) General requirements. ~~Your NPDES MS4 permit will require at a minimum that you develop, implement, and enforce a storm water management program designed~~ For any permit issued to a regulated small MS4, the NPDES permitting authority must include permit terms and conditions to reduce the discharge of pollutants from the your MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. Your storm water management program must include the minimum control measures described in paragraph (b) of this section unless you apply for a permit under §122.26(d). Terms and conditions that satisfy the requirements of this section must be expressed in clear, specific, and measurable terms. Such terms and conditions may include narrative, numeric, or other types of requirements (e.g., implementation of specific tasks or best management practices (BMPs), BMP design requirements, performance requirements, adaptive management requirements, schedules for implementation and maintenance, and frequency of actions). ~~For the purposes of this section, narrative effluent limitations requiring implementation of best management practices (BMPs) are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reductions of pollutants to the maximum extent practicable) and to protect water quality. Implementation of best management practices consistent with the provisions of the storm water management program required pursuant to this section and the provisions of the permit required pursuant to §122.33 constitutes compliance with the standard of reducing pollutants to the “maximum extent practicable.” Your NPDES permitting authority will~~

Phase II MS4 Remand Rule

National Pollutant Discharge Elimination System (NPDES)

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NPDES Stormwater Final MS4 General Permit Remand Rule

Documents associated with the final MS4 general permit remand rule.

- [Final MS4 General Permit Remand Rule \(PDF\)](#) (33 pp, 351 K, [About PDF](#))

You may need a PDF reader to view some of the files on this page. See EPA's [About PDF page](#) to learn more.

- [Mark-Up Version of MS4 General Permit Remand Rule \(PDF\)](#) (13 pp, 214 K)
- [Final Rule Fact Sheet \(PDF\)](#) (7 pp, 176 K)

Phase II MS4 Remand Rule

- LDEQ incorporated EPA's Phase II MS4 Remand Rule into the state's regulations
- Public Hearing Date and Comment Deadline:
 - May 25, 2017
- No Comments were received
- LDEQ submitted the following items to the Office of the State Register for publication in the July 20, 2017, issue of the Louisiana Register:
 - Final Rule (WQ095ft); effective July 20, 2017: Municipal Separate Storm Sewer Systems General Permit Revisions (LAC 33:IX.2515, 2521, 2523, and 2525)

Phase II MS4 Remand Rule

- Most edits changed “MS4 operator shall...” to “State administrative authority shall...”
- LDEQ included both Option I and Option II under LAC 33:IX.2515 – General Permits.
- LDEQ is implementing Option II (2-step permit process).

Permit Updates



Individual Permits

- **Master General Permit for Discharges of Storm Water from Construction Activities 5 Acres or More (LAR100000)**
 - Authorizes discharges of storm water from construction activities that disturb 5 acres or more of total land area, including the disturbance of less than 5 acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb 5 acres or more.
 - Issued 6/21/19 and Effective 10/1/19

Individual Permits

- **Master General Permit for Discharges from Small MS4s (LAR040000)**
 - Issued 8/17/18 and Effective 9/1/18
- LDEQ is currently working on the following medium or large (Phase I) MS4 permit actions:
 - New Orleans MS4 (LAS000301)
 - Shreveport MS4 (LAS000401)

LDEQ Review of MS4 Renewal Applications/NOIs/SWMPs

- LDEQ Water Permits staff review all Phase I and II Stormwater Management Plans (SWMPs) to ensure permit compliance to the Maximum Extent Practicable (MEP).
- Individual MS4 Permit Application & SWMP:
 - If deficiencies noted, LDEQ will send request for additional information.
- LAR040000 NOI & SWMP:
 - If deficiencies noted, LDEQ will send a Notice of Deficiency (NOD).
- If no deficiencies noted, LDEQ will send an administrative completeness email

Reissued Small MS4 Permits (since June, 2019)

- Total = 20
- City of Alexandria (LA041009)
- City of Baker (LAR041052)
- City of Bossier City (LAR040001)
- City of Breaux Bridge (LAR041016)
- City of Broussard (LAR041021)
- City of Denham Springs (LAR041020)
- City of Gonzales (LAR041035)
- City of Mandeville (LAR041008)
- City of Monroe (LAR041010)
- City of Port Allen (LAR041012)
- City of Zachary (LAR041053)
- Iberia Parish (LAR041045)
- Lafayette Consolidated Government (LAR041025)
- Lafourche Parish (LAR041031)
- LDOTD (LAR043001)
- Rapides Parish (LAR041044)
- St. Charles Parish Government (LAR041032)
- St. Tammany Parish Government (LAR041024)
- United States Air Force – Barksdale Air Force Base (LAR042001)
- United States Army Joint Readiness Training Center & Fort Polk (LAR042002)

Small MS4 Permits

Currently at (or Scheduled for) Public Notice

- Total = 10
- Ascension Parish (LAR041034)
- Bossier Parish Police Jury (LAR041040)
- City of Bastrop (LAR041005)
- City of Covington (LAR041038)
- City of Crowley (LAR041042)
- City of Hammond (LAR041030)
- Ouachita Parish Police Jury (LAR041018)
- Parish of Caddo (LAR041014)
- Plaquemines Parish (LAR041022)
- St. John the Baptist Parish (LAR041047)

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